

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, NOVEMBER 1, 2016

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET, PLYMOUTH, MA – 7:00 PM

7:00PM - CALL TO ORDER

Ken Tavares, Chairman of the Board, called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present: Kenneth A. Tavares, Chairman
 Anthony F. Provenzano Jr, Vice Chairman
 John Mahoney
 Sean Page
 Shelagh Joyce

 Melissa Arrighi, Town Manager

7:01PM – PUBLIC COMMENT

None

7:02PM – TOWN MANAGER’S REPORT

Melissa Arrighi, Town Manager, began her report by saying the Town had received grants for the design and permitting of the seawall as well as the construction of the seawall located on Long Beach on Warren Avenue. She said that this was great news.

Ms. Arrighi gave the Board and Airport update next. She said the runway project was completed over the summer and all that is left is clean up and landscaping. She said that she would keep them updated on any future progress.

Melissa Arrighi then told the Board that Ted Bubbins, Parks Superintendent, thinks he has a donated tree for Town Square this holiday season.

The Town Manager then made the Board aware of an upcoming Water Forum being held on November 10th at 7:00pm in the Mayflower Room at Town Hall. She said that this event, sponsored by the Plymouth Area League of Women Voters, would focus on the Town’s water supply and concerns.

Ms. Arrighi then told the Board that voter turnout has been great with the early voting initiative. She said that Mr. Pizer, Town Clerk, is exhausted but happy, and that she will have final numbers for them at their next meeting.

The Town Manager then updated the Board on their work with the MassDEP regarding the renewal of our Water Management Act Permit. MassDEP is looking to reduce our withdrawal by 1.49 million gallons per day. We have tremendous concerns with any reductions. We hope that the DEP will review our concerns, and then we will meet with them and update the Board on the outcome.

Ms. Arrighi then told the Board that preliminary work had begun for the Parking Deck and the good news is that the area is sandy and there are no obstacles that would keep us from building the deck. She did add that the project might be going out to bid as the contractor on site came back higher than anticipated.

Anthony Provenzano Jr, Vice Chairman, said that he was glad to see this Water Forum take place because the state is taking numbers arbitrarily and setting artificial limits, which could impact growth. He said he's glad to see we will be getting info that is accurate.

Sean Page, Selectman, wanted to remind viewers that the Water Ban has been lifted.

7:08PM – PUBLIC HEARING – Liquor N' More

In accordance with Chapter 138 of the Massachusetts General Laws, as amended, notice is hereby given that a Public Hearing will be held at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts on Tuesday, November 1, 2016 at 7:05pm to consider the application for the transfer of an Annual All Alcohol Package Store License from Plymouth Liquors Inc. d/b/a Liquors N' More, 35 Home Depot Drive, Jennifer Tewksbury – Manager to Patriot Spirits d/b/a Liquor N' More, 35 Home Depot Drive, Jennifer Tewksbury – Manager.

Description of premises will be as follows: One story cement block building containing 4100 square feet with two (2) entrances-exits.

Dan Chamberlain came to the podium representing Patriot Spirits. He started by saying the purpose of moving all stores into one entity would give them the ability to insure easier, and provide better benefits to their employees.

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved the transfer of an Annual All Alcohol Package Store License from Plymouth Liquor Inc. d/b/a Liquor N' More to **Patriot Spirits d/b/a Liquor N' More**, 35 Home Depot Drive. *Voted 5/0*

7:11PM – PUBLIC HEARING – Scagliarini Lease Renewal

Mr. Scagliarini came to the podium and introduced himself as John Lewis Scagliarini and said he is a life-long resident of Plymouth, born and bred. He began by saying he didn't come here tonight to argue, rather he came here disappointed. He said he was disappointed that this meeting didn't take place before the Selectmen voted on his lease.

Mr. Scagliarini went on to say that there are some new Board members that might not know him so he wanted to let them know who he was. Again, he said he was born and raised in Plymouth, went to Plymouth Schools and has a small business which employs 3 to 4 people. He went on to say he was a wealthy man. He loves what he's doing, he loves Plymouth and where he lives, so therefore he is wealthy. He went on to say that monetarily he is not wealthy. Business can be tough and have its slow times.

Mr. Scagliarini also said he has been working with many local non-profits such as the Harlow House, Hedge House, and has also volunteered on Arbor-Day doing a lot of work in Plymouth. He also said that he's served on many Committees and Board such as the Town Forrest Commission, Beach Advisory Committee, and the Conservation Commission. He

said Plymouth is his hometown. He went on to say he was voted off of the Conservation Commission and feels it was because of personal issues with a Selectman Member.

He then gave the history of how he acquired the house, saying he rented the house until it came up for sale. It was out of his price range and then the 1991 No-Name Storm hit and did a lot of damage. The owner then kept the insurance money and lowered the price to where Mr. Scagliarini could afford it, so he purchased the house.

He then said he was late on taxes many times and he apologized. He said that Melissa, the Town Manager, called him in for a meeting and she read him the riot act. He said at that point he got it and has been better about paying his taxes, but not perfect. Mr. Scagliarini then said that 5 or 6 years ago Patrick O'Brien, Assistant Town Manager at the time, told him to write a letter to the Selectmen and David Gould, Director of Marine and Environmental, about renewing his lease and so an appointment for the Selectmen's Meeting was set. He got a call from a close friend and he said I would be losing my house claiming that he had information that Selectman Mahoney claimed he would be taking John Scagliarini's House at the next Selectmen's Meeting.

Mr. Scagliarini said it cost him thousands but he had gotten the lease renewed with an automatic renewal if payments were received in a timely manner. Again, he said he was late by no more than 30 days as he misinterpreted "timely manner". He said that now he has been on time and even ahead for the past year plus.

He then asked why the Selectmen might like him gone, and then he heard that they wanted to tear down his house for extra beach parking. He asked how this would benefit the community....stating that anyone who parked there would have to walk quite a ways to access the beach. He also said that the pier would not be usable either as there is only a two hour window where this is any water at the pier. He said he didn't think that was worth kicking a man out of his home for. Mr. Scagliarini reminded the Board that the Oar House, which was just north of the Day Parking area, would have been ideal for extra parking but has never been used and asked why that was. Mr. Scagliarini also brought up the Spark's Cottage, saying there is a land dispute there that has never been settled. He then added that it would cost him at least \$20,000 to demolish his house if he were to be evicted.

He then told a story about friend's from Arkansas, a single mom with a baby, and how he watched and helped him grow up spending a lot of time on Plymouth Beach. He eventually became an Eagle Scout, and added that two of the Board Members had become Eagle Scouts. He then turned to Selectman Mahoney and suggested that he go home and read his Eagle Scout Pledge. He then urged that the Board revisit their decision and try to come up with some options. Mr. Scagliarini also added that he'd be willing to meet with them and even give them a tour of his property and the beach as well.

Chairman Tavares then invited the public to come up and comment.

First up was Mr. Withington. He said he served on the Conservation Commission with John Scagliarini and learned more from him than anyone else. Whenever I mention his name people say things like "I know him, he's the guy that puked me out of the sand" or "he ran and got me gas". He finished by saying John protects the beach and hopes the Board lets him continue to live out there for years to come.

Next up was Mr. Gray, who began by saying John was the only resident that lives on a public road and has never called the DPW to come plow him out. He takes care of that road with his own equipment. He added you would be hard pressed to find anyone that cares about the

beach more than John. He finished by saying that many are late on their taxes so why just punish one person.

Thomas Dearn came up next and said that he has known John for 30 years saying he was a nice honest person. He also said he couldn't understand why they wasn't to take away his house and tear it down, adding that it will either cost him to do it, or the Town will tear it down and then send him the bill.

Chairman Tavares thanked everyone saying that citizens are entitled to come up and speak. He added that he's spent 20 years, on and off, sitting in this room listening to people stretch the truth or leave things out. Mr. Tavares said that the statements made tonight were true, and did happen, and that he had the opportunity to know that young Eagle Scout that John spoke of. The Chairman went on to say the Board had options. There were 4 Board Members during the vote which was 3/1 in favor of not renewing the lease. The Board can revisit this tonight, or at a later date, or they may choose to do nothing at all and let the vote stand. He then asked the Board Members if they wished to speak.

Shelagh Joyce, Selectman, spoke first and said that she is new but looked back and the lateness was not new. She also asked Mr. Scagliarini if he was late paying his employees, to which he replied no, they are the first paid. Selectman Joyce went on to say that being late on taxes causes a lot of work for the staff and by the last speaker saying other people are late does not make it ok.

Anthony Provenzano Jr, Vice Chairman, told Mr. Scagliarini that he was not paying a tax, it was a lease. So when you look at it you are virtually living on Town Property tax-free.....it's a lease so every time it's late it ties up the 3rd floor and it takes time and money chasing these lease payments down. He finished by saying it takes a tremendous amount of time to collect this money.

8:04PM - LICENSES AND ADMINISTRATIVE NOTES

LICENSES

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a One Day Wine and Malt License for **Bramhall's Country Store**, 2 Sandwich Road, Plymouth, MA for a Dinner and Singing Event being held on November 18, 2016 from 6:00pm to 10:00pm at the Country Store. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a One Day Wine and Malt License for **EC Event Management**, 17 Sleepy Hollow Drive, Plymouth, MA for a Dinner Comedy Show being held on November 12, 2016 from 6:00pm to 10:00pm at Studio G. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a One Day Wine and Malt License for **Kristen Merlin**, 21 Arrowhead Drive, Hanson, MA for a Concert being held on November 12, 2016 from 4:30pm to 9:30pm at Memorial Hall. *Voted 5/0*

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved a Pledge of Liquor and Inventory for **Patriot Spirits d/b/a Liquor N' More** to the Cooperative Bank of Cape Cod. *Voted 5/0*

ADMINISTRATIVE NOTES

Lynne Barret, Finance Director, came to the podium to discuss the General Obligation Bond Refunding that they are asking the Selectmen to sign tonight. She went on to explain that a Bond Refunding is similar to a mortgage refinance and is done in order to save money. She was thrilled to announce that with this Bond Refunding they have saved \$1,722,000 and got an interest rate of 1.764% which is fantastic. She went on to thank Pam Borgatti, Town Treasurer, as well as Lori Dowling, Lee Hartmann, Ann Dunn and all of the Departments for getting back to her with the information she needed.

The entire Board of Selectmen was proud and expressed their gratitude for everyone's hard work. Chairman Tavares said this was great news and that it spoke volumes for the Town's Administration.

The Board approved and executed a **General Obligation Bond Refunding** as presented by Pamela Borgatti, Town Treasurer.

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved and authorized the Chairman of the Board to execute a **Grant Assurance** for the Plymouth Airport pertaining to Airport Improvement Project 44, Post Construction Monitoring RW33. *Voted 5/0*

On a motion by Shelagh Joyce and seconded by John Mahoney, the Board approved and executed a **Purchase and Sales Agreement** between the Town of Plymouth and Portside Division LLC, for property located near Savory Pond which contains 11.5 acres and includes 6.5 acres of cranberry bogs. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved the **Open Meeting Minutes** from the October 25, 2016 Selectmen's Meeting. *Voted 5/0*

A motion to amend was made by Shelagh Joyce and seconded by Anthony Provenzano Jr, the Board approved to Amend the below motion to include that the license be contingent upon Mr. Doyle's satisfaction of all licensing and regulatory requirements, federal, state and local, by November 30, 2016. Until such conditions have been met and documented with the Town, there shall be no further transportation of equipment or product to or from the site, nor shall there be any further operations at the site beyond those activities related to regulatory compliance. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved and executed an **Aquaculture License** for William Doyle, 21 Center Hill Road for a 2.58 acre plot located in Plymouth Harbor for a three year term beginning on November 1, 2016 and terminating on October 31, 2019 described by the following coordinates: *Voted 5/0*

<u>North Latitude</u>	<u>West Longitude</u>
N 41° 59' 32.44"	W 70° 40' 50.24"
N 41° 59' 33.77"	W 70° 40' 48.26"
N 41° 59' 34.13"	W 70° 40' 45.73"
N 41° 59' 34.799"	W 70° 40' 42.688"
N 41° 59' 34.35"	W 70° 40' 41.09"
N 41° 59' 30.85"	W 70° 40' 48.97"

8:225PM - COMMITTEE LIAISON / DESIGNEE UPDATES

Chairman Tavares told the Board that he and Selectman Mahoney had the opportunity to tour the Mount Pleasant School with the Affordable Housing and it was quite a building.

Selectman Page said that the GATRA Advisory and Finance Meeting was reschedule for November 29, 2016 and will report back with what transpires.

7:30PM - OLD BUSINESS / LETTERS / NEW BUSINESS

Chairman Tavares brought up a letter from a resident complaining about the service that GATRA Dial-a-Ride gave to their elderly parents. He asked the Clerk to type a cover letter and forward to GATRA so we can address this immediately.

Selectman Mahoney said that he really enjoyed the Mount Pleasant School tour. He then said that there isn't enough water in town and need to stay on top of this Water Forum. He finished by saying he agreed with John Scagliarini that we needed to settle the Sparks property dispute once and for all.

Vice Chairman Provenzano said that he and Selectman Page attended an event for the Centennial Legion of Historic Military Commands and really enjoyed it. He went on to say that he thought he'd never get the chance again to drink to Robert E. Lee.

Chairman Tavares mentioned that the Mayflower II left port today for Connecticut for her overhaul. He said she wouldn't be back for two years.

Selectman Page wanted to mention that November 11th is of course Veteran's Day. He said it's a proud day as he is a Veteran himself. He went on to say Plymouth and the Veteran Services do a lot for our Veterans and urged everyone to go to Memorial Hall on Friday, November 11th at Noon for the Celebrations. Selectmen Page asked the Clerk to make sure this information gets posted on Facebook.

Chairman Tavares added that it's a special year to honor our Veterans, especially the Vietnam War Veterans.

8:30PM - ADJOURNMENT

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board voted to adjourn the Open Session at 8:30pm. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Joyce-Yes

Recorded by: Christopher Badot

Administrative Assistant, Board of Selectmen